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Date of Deposit: February 5, 2008

Attorney Docket No. 21465-510 UTIL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,323,305 Issued : January 29, 2008

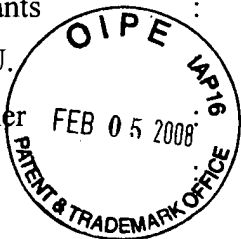
Application Number : 10/767,779 Filed : January 28, 2004

Applicants : John H. LEAMON, *et al.*

TC/A.U. : 1637

Examiner : Samuel C. Woolwine

For : **METHODS OF AMPLIFYING AND SEQUENCING NUCLEIC ACIDS**



ATTENTION: CERTIFICATE OF CORRECTIONS BRANCH

Commission for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present patent are the following documents:

1. Request for Certificate of Correction for Letters Patent (1 page), in duplicate;
2. Exhibit A, Decision on Petition mailed May 30, 2006 (2 pages);
3. Form PTO/SB/44 for Certificates of Correction, in duplicate (2 sheets); and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York.

No fees are believed due in connection with this submission, however, the Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment of same, to Deposit Account No. **50-0311**; Reference No. **21465-510 UTIL**; Customer No. **35437**. A duplicate copy of this Request is provided for this purpose.

Respectfully submitted,

Dated: February 5, 2008

Michelle A. Iwamoto

Ivor R. Elrifi, Reg. No. 39,529
Michelle A. Iwamoto, Reg. No. 55,296
Attorneys/Agents for Applicants
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Certificate
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of Correction

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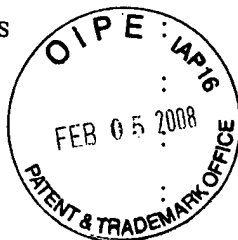
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REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR §1.322(a)(1)(i)

The patentees of the above-identified issued patent, through its attorney, hereby request issuance of a Certificate of Correction. A certificate is required to correct an error made by the Patent Office in the Filing Date, as follows:

On March 8, 2006, patentees filed a Petition to Change Filing Date of the above-referenced Application from September 22, 2004 to the correct Filing Date of January 28, 2004. On May 30, 2006, the Office of Petitions mailed a Decision on Petition, **Granting** Applicants' Petition; however, the incorrect Filing Date of September 22, 2004 was listed on the Letters Patent.

It is respectfully requested that a Certificate of Correction be issued to correct the error in the Letters Patent. Enclosed herewith are two copies of a proposed Certificate of Correction indicating the error and correction thereof. Also enclosed as **Exhibit A** is a copy of the Decision on Petition.

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UNITED STATES PATENT AND TRADEMARK OFFICE

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
666 THIRD AVENUE
NEW YORK NY 10017



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MAY 30 2006

OFFICE OF PETITIONS

In re Application of
Learmon et al.
Application No. 10/767,779
Filed: 28 January, 2004
Atty Docket No. 21465-510

DECISION ON PETITION

This is a decision in reference to the "PETITION TO CHANGE FILING DATE" filed on 8 March, 2006, which is treated as a petition requesting that the above-identified nonprovisional application, including drawing Figures 11C & 11D, be accorded a filing date of 28 January, 2004, instead of the presently accorded filing date of 22 September, 2004.

The petition is GRANTED.

On 28 January, 2004, the application was filed.

On 22 June, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 28 January, 2004, but that, *inter alia*, Figures 11C & 11D described in the specification appeared to have been omitted from the application. The Notice also stated that replacement drawings in compliance with 37 CFR 1.84 and 1.121 are required.

In response, on 22 September, 2004, petitioners filed, *inter alia*, a one (1) month extension of time and replacement drawings, including Figures 11C & 11D. The application was then accorded a filing date of 22 September, 2004.

The present petition was filed on 8 March, 2006. Petitioners assert that (1) Figures 11C and 11D were not missing from the application papers deposited on 28 January, 2004, and (b) Figures 11C and 11D were incorporated by references from a prior-filed provisional application. In support, petitioners have provided an itemized return receipt postcard, bearing an "Office-date" stamp of "012804" including the above-identified application.

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number, and itemizing the filing of 41 sheets of drawings containing Figures 1-42. Petitioners have also supplied, inter alia, a copy of one sheet of drawings containing Figures 11C and 11D.

A review of the record reveals that 40 sheets of drawings were received on 28 January, 2004. No one (1) sheet of drawings containing Figures 11C and 11D is located among the drawing figures received on that date. However, the evidence is convincing that the application papers deposited on 28 January, 2004, included one (1) sheet of drawings containing Figures 10C and 10D, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 11C and 11D, is entitled to a filing date of 28 January, 2004.


The "Notice" mailed on 22 June, 2004, is vacated to the extent that it stated that Figures 10C and 10D appeared to have been omitted.

In view of the above, the petition is granted. The petition fee will be credited to counsel's deposit account, as the petition was necessitated by Office error.

The application will be processed with the copy of one (1) sheet of drawings containing Figures 11C and 11D as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 28 January, 2004, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figures 11C and 11D supplied with the present petition, and for an indication in Office records that 41 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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PTO/SB/44 (09-07)
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,323,305
APPLICATION NO.: 10/767,779
ISSUE DATE : January 29, 2008
INVENTOR(S) : John H. Leamon, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The Application's Filing Date is incorrect. Please correct the Filing Date of Application No. 10/767,779 to read January 28, 2004.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Ivor R. Elrifi, Reg. No. 39,529
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
666 Third Avenue - 24th Floor - New York, New York 10017

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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